IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 33835 of 2007(S)

OA.859/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. AJITH KUMAR.V., S/O.APPUTTY,
   POLICE CONSTABLE B NO. 314, POLICE STATION,
   KAVARATTI, UNION TERRITORY OF LAKSHADWEEP.

2. B.K.ATTAKIDAVU, S/O.LATE IBRAHIMKUTTY,
   POLICE CONSTABLE B NO. 283, POLICE HEADQUARTERS
   KAVARATTI, UNION TERRITORY OF LAKSHADWEEP.

3. P.PONKIDAVU, S/O.LATE K.K.CHERIYAKOYA,
   POLICE CONSTABLE B NO. 337, POLICE STATION,
   KAVARATTI, UNION TERRITORY OF LAKSHADWEEP.

4. K.P.MURALEDHARAN, POLICE CONSTABLE,
   POLICE HEADQUARTERS, KAVARATTI, UNION TERRITORY OF
   LAKSHADWEEP.

5. K.K.RAFEEQ DHAKKARIA, POLICE CONSTABLE,
   POLICE STATION, KAVARATTI, UNION TERRITORY OF
   LAKSHADWEEP.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
   UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

2. THE ADMINISTRATOR,
   UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

3. UNION OF INDIA, REP. BY THE
   SECRETARY, MINISTRY OF HOME AFFAIRS, NEW DELHI.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
SRI.SHAFIK M.ABDULKHADIR,SC,LAKSHADWEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.33835 of 2007-S

Judgment

Balakrishnan Nair, J.

The petitioners are Police Constables, working under the Lakshadweep Administration. They aspire to get promotion to the post of Assistant Sub Inspector (Wireless) and Assistant Sub Inspector (Radio Technician). To assess their suitability, a written test was conducted. Only those who got 33% marks in the written test were treated as qualified. The petitioners scored only very low marks and therefore, they were held to be ineligible for promotion. The said stand of the respondents was challenged by the petitioners, by filing OA No.859/06 before the CAT. The CAT dismissed the application holding that there is nothing wrong with the fixation of cut off marks for the promotion test. According to the petitioners, in the notification, there was no such stipulation and therefore, the introduction of cut off marks for promotion is unjustified.

2. When a test for the purpose of ascertaining the suitability of candidates for promotion is held, only those who clear the test will be promoted. For clearing the test, normally, cut off marks will be fixed. In this case, it is only 33%, which is lower when compared to the cut off marks fixed

for other examinations. We find nothing wrong with the fixation of cut off marks and no requirement of law has been brought to our notice, which mandates the notification of the percentage of marks to be obtained for clearing the test. So, we find nothing illegal with the decision of the CAT. We agree with the reasons and conclusions of the Tribunal. In the result, the Writ Petition fails and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

26.11.2007 **K.P.BALACHANDRAN, JUDGE**

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